

UNITED STATES DISTRICT COURT
FOR SOUTHERN DISTRICT OF NEW YORK

UNIVERSAL TRADING & INVESTMENT
CO., INC.

Plaintiff
-vs-

YULIA TYMOSHENKO

Defendant

Docket No. 11-cv-7877-PAC

**DECLARATION
OF ROMAN A. PLYAMOVATY
IN SUPPORT OF PLAINTIFF'S
MEMORANDUM IN OPPOSITION TO
MOTION TO SET ASIDE CLERK'S
ENTRY OF DEFAULT**

I, Roman A. Plyamovaty, state and declare as follows:

1. I have personal knowledge of the documents submitted herewith based on my being one of the members of plaintiff, Universal Trading & Investment Co., Inc. ("UTICo"), since 1995.
2. I currently have the assignment to investigate the matters, supervise the interaction with the attorneys and to maintain custody of the official documents, relevant in this matter, as cited below. By way of a context, prior to UTICo I had worked at General Electric Co.
3. Exhibit **A** is a true and correct copy of the proposal by UTICo's counsel to attorney Kenneth McCallion to accept service on Yulia Tymoshenko, on October 20, 2011.
4. Mr. Kenneth McCallion did not respond to UTICo's counsel either before October 27, 2011, as requested, or at all. In light of that, on November 4, 2011 the case was filed and service under the Hague Service Convention was initiated through Ukraine's Ministry of Justice.
5. Exhibit **B** is a true and correct copy of Article 418 of the Civil Procedural Code of Ukraine, with the translation.
6. Exhibit **C** is a true and correct copy of one of the representative publications covering the filed action UTICo v. Y. Tymoshenko.

7. My research shows that news on filing this action, covered in the Ukrainian Internet press, was published and republished in November of 2011 on more than 10,000 webpages.

8. In November of 2011, the Summons and Complaint in that matter were in the public domain, reprinted in numerous publications, populated on numerous websites. For example, see:
<http://www.pravda.com.ua/rus/news/2011/11/17/6762203/>

9. Exhibits **D-F** are true and correct copies of the Government's filings in the U.S. v. P. Lazarenko, Docket 00cr284 in the U.S. District Court for the Northern District of California, concerning Y. Tymoshenko.

10. Exhibit **G** represents true and correct copies of the Interpol Red Cards for the arrest of Y. Tymoshenko and her husband Olexandr Tymoshenko.

11. Exhibit **H** represents true and correct copies of the bank account documents of Y. Tymoshenko, O. Tymoshenko and their associate Alexander Gravets for opening and operating the account in the name Somolli Enterprises, Ltd. ("Somolli"), at Bank of Cyprus, Ltd.

12. Exhibit **I** is a true and correct copy of the shareholders' minutes instituting the incorporation of United Energy Systems of Ukraine ("UESU"). The minutes signed by Y. Tymoshenko, indicate that it was attended by Andreas Petrou, a representative for 85% stock.

13. Exhibit **J** is a true and correct copy of the extract from the deposition by Assistant U.S. Attorney of Andreas Petrou held in Cyprus, deposing his signature was forged.

14. Exhibit **K** is a true and correct copy of the wire transfer instructions by O. Tymoshenko to New York paying \$460,000 from Somolli to the account of Bassington Ltd. (British Virgin Islands), a parent holding entity for UESU.

15. Exhibit **L** is a true and correct copy of the extract from deposition by Assistant U.S. Attorney of Serif E. Aksoy, director of UESU's parent entity United Energy International Ltd., incorporated in London, in the matter U.S. v. P. Lazarenko.

16. Exhibit **M** is a true and correct copy of the Government's Chart showing kickbacks Somolli to Lazarenko and the listing of Tymoshenkos' accounts in that corporate name in Bank of Cyprus.

17. Exhibit **N** represents true and correct copies of the Government's Chart showing kickbacks, transferred through New York, from Somolli/UESU to Lazarenko, followed by the wire instructions executed by O. Tymoshenko (admitted for trial in U.S. v. P. Lazarenko).

18. Exhibit **O** represents true and correct copies of the Government's Chart concerning the Orphin S.A. account at American Bank in Poland, showing kickbacks, transferred through New York, from Somolli/UESU to Lazarenko, followed by the wire instructions executed by O. Tymoshenko (admitted for trial in U.S. v. P. Lazarenko).

19. Exhibit **P** represents true and correct copies of the Government's Chart concerning the Orphin S.A. account at Credit Suisse Bank, showing kickbacks, transferred through New York, from Somolli/UESU to Lazarenko, followed by the wire instructions executed by O. Tymoshenko (admitted for trial in U.S. v. P. Lazarenko).

20. Exhibit **Q** represents true and correct copies of the Government's Chart concerning the Orphin S.A. account at Eurofed Bank (Antigua), showing kickbacks, transferred through New York, from Somolli/UESU to Lazarenko, followed by the wire instructions executed by Y. Tymoshenko's subordinate (admitted for trial in U.S. v. P. Lazarenko).

21. Exhibit **R** is a true and correct copy of the wire instructions by Tymoshenkos from Somolli account through Bankers Trust Co. in New York, payments for credit cards, for example for the total of. \$1 million 100,000 in the representative year from May of 1996 to April of 1997. Y. Tymoshenko has been charged in Ukraine with paying no taxes on that income used for her personal purchases (fur coats, shoes, etc.).

22. Exhibit **S** is a true and correct copy of the ruling by The Hon. Richard Sullivan in the

action Y. Tymoshenko v. D. Firtash et al., Docket 11cv2794, denying UTICo's Motion for intervention, dated October 19, 2011.

23. Exhibit **T** is a true and correct copy of the extract from the Government's complaint for civil forfeiture in U.S. v. All Funds at Julius Baer et al., Docket 04cv0798, in the U.S. District Court for the District of Columbia.

24. Exhibit **U** represents true and correct copies of the Indictment of Y. Tymoshenko in her criminal case concerning UESU frauds, dated October 12, 2011.

25. Exhibit **V** represents a true and correct copy of the Press Release of the prosecuting authority on the above cited indictment of Y. Tymoshenko in the UESU matter, followed by representative media articles.

I declare under the penalties of perjury under the laws of the United States that the foregoing is true and correct.

Dated: February 21, 2012

Roman Plyamovaty
Roman A. Plyamovaty